

**UNITED STATES DISTRICT CO
FOR THE SOUTHERN DISTRICT OF N**

USDC SDNY
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SYLVIA TILLMAN, AMRESH JAIJEE, VIVIAN YATES,
RICHARD GAMEN, CHERYL GAMEN, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

MORGAN STANLEY SMITH BARNEY, LLC,

Defendant.

Case No. 1:20-cv-5914

RICHARD GROSSMAN, HOWARD KATZ, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

MORGAN STANLEY SMITH BARNEY, LLC,

Defendant.

Case No. 1:20-cv-6012

MARTIN BEHAR, on behalf of himself and all others
similarly situated,

Plaintiff,

v.

MORGAN STANLEY SMITH BARNEY, LLC,

Defendant.

Case No. 1:20-cv-6300

AMY DALTON, on behalf of herself and all others similarly situated,

Plaintiff,

v.

MORGAN STANLEY SMITH BARNEY, LLC,

Defendant.

Case No. 1:20-cv-6468

MIDORI T. NELSON, JOHN C. NELSON, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

MORGAN STANLEY SMITH BARNEY, LLC,

Defendant.

Case No. 1:20-cv-6538

MARK BLYTHE, on behalf of himself and all others similarly situated,

Plaintiff,

v.

MORGAN STANLEY SMITH BARNEY, LLC,

Defendant.

Case No. 1:20-cv-6610

DESIREE SHAPOURI, RICHARD MAUSNER AND LORI MAUSNER, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

MORGAN STANLEY SMITH BARNEY, LLC,

Defendant.

Case No. 1:20-cv-6640

TIMOTHY M. SMITH on behalf of himself and all others
similarly situated,

Plaintiff,

v.

MORGAN STANLEY SMITH BARNEY, LLC,

Defendant.

Case No. 1:20-cv-6984

**ORDER CONSOLIDATING ALL RELATED CASES AND
APPOINTING INTERIM CO-LEAD
CLASS COUNSEL AND EXECUTIVE COMMITTEE**

Having reviewed the parties' submissions, the Court hereby ORDERS that all of the above-referenced actions are consolidated, and that Plaintiffs' Joint Motion for Appointment of Jean Martin and Linda Nussbaum As Interim Co-Lead Counsel and the Appointment of An Executive Committee is GRANTED.

1. Interim Co-Lead Counsel Jean Martin and Linda Nussbaum shall be responsible for the overall conduct of the litigation on behalf of the proposed class, including providing supervision of all Plaintiffs' counsel in this litigation. As Interim Co-Lead Counsel for the class, Ms. Martin and Ms. Nussbaum have the authority to:

- a. Promote the efficient conduct of this litigation and avoid unnecessary duplication and unproductive efforts by making and supervising all work assignments;
- b. Prepare and file the Consolidated Class Complaint on behalf of the proposed class, and any subsequent pleadings;
- c. Make, brief, and argue motions;
- d. Conduct all pretrial, trial, and post-trial proceedings on behalf of the proposed class and act as spokespersons for the proposed class;

- e. Conduct or coordinate discovery on behalf of the proposed class consistent with the Federal Rules of Civil Procedure, including preparation (or responses to) written discovery requests and examination (or defense) of witnesses in depositions;
- f. Monitor activities of the Plaintiffs' counsel to whom they delegate work and implement procedures to ensure that schedules are met and unnecessary expenditures of time and funds are avoided by collecting from each firm regular time and expense reports;
- g. Negotiate with defense counsel with respect to settlement and other matters;
- h. Prepare any application for an award (or approval) of fees and reimbursement of expenses incurred by the proposed class, and allocate among Plaintiffs' counsel any such fees and expenses awarded;
- i. Consult with and retain expert witnesses for the proposed class;
- j. Negotiate with, retain, and manage relations with outside vendors for the collection, processing, or review of documents and electronically stored information produced in discovery;
- k. Conduct or coordinate all negotiations with defense counsel regarding search and production protocols, manage the review of documents produced by Defendants and third parties (and production of documents by the proposed class Plaintiffs), and implement advanced analytics for the efficient review of documents as appropriate;
- l. Coordinate and communicate as necessary with counsel for other parties in the litigation regarding any matters addressed in this Order in order to ensure efficient use of Plaintiffs', Defendants', and the Court's time;

- m. Ensure that all Plaintiffs' counsel and Plaintiffs are informed of the progress of this litigation as necessary; and
- n. Otherwise coordinate the work of Plaintiffs' counsel and perform such other duties as Interim Co-Lead Counsel deem necessary and appropriate based upon their judgment and consideration or as authorized by further Order of the Court.

2. The following counsel are appointed to the Executive Committee: Melissa Emert (Kantrowitz, Goldhamer & Graifman, P.C.); Katrina Carroll (Carlson Lynch LLP); Jonathan M. Jagher (Freed Kanner London & Millen LLC); Michael L. Roberts (Roberts Law Firm, P.A.); Erich P. Schork (Barnow and Associates, P.C.); and Lori G. Feldman (George Gesten McDonald, PLLC).

3. All Plaintiffs' counsel shall keep a daily record of their time spent and expenses incurred in connection with this litigation, indicating with specificity the hours and particular activities performed. By the fifteenth day of each month, each firm that may seek an award (or approval) of a fee by the Court shall file with Interim Co-Lead Counsel (or designee established by Interim Co-Lead Counsel) a report summarizing, according to each separate activity, the time and expenses spent by its attorneys, paralegals or staff during the preceding month (and the ordinary billing rates of such personnel in effect during the month) and the accumulated total of the firm's time, hourly rates, and expenses to date. All Plaintiffs' counsel shall endeavor to keep fees reasonable and to choose the most appropriate level of staffing for the tasks required in this litigation. The provisions of this paragraph do not limit the discretion of Interim Co-Lead Counsel in basing an allocation of any fee award among Plaintiffs' counsel, whether based on lodestar, a percentage-based allocation, a combination of the two, or any other reasonable method of allocation.

SO ORDERED.

Dated: September 17, 2020
New York, New York

A handwritten signature in black ink, appearing to read 'Analisa Torres', is positioned above a horizontal line.

ANALISA TORRES
United States District Judge